GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Services – Disciplinary Cases – Action to be taken by the authorities concerned for filing charge sheet in Court of Law and Dismissal of employees convicted by Court, Reinstatement of employees under suspension etc., - Certain Instructions – Issued.

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General Administration (Services.C) Department

G.O.RT.No. 2752 Dated: 11-12-2017

Read the following:-

1. Memo No:2358/Ser.C/74-1, GA (Ser.C) Dept., Dt:05.02.1975
2. Memo No.1718/Ser.C/75-1, GA(Ser.C) Dept., Dt:22.11.1975
3. Memo.No.169/Ser.C/77-8, GA (Ser.C) Deptt., Dt.10.2.1978.
4. Clr.Memo.No.3824/Ser.C/98-2,GA (Ser.C) Deptt., Dt.9.2.1998.
5. G.O.Ms.No.2, G.A.(Ser) Department, Dt:4-1-1999.
6. Minutes of the Secretaries Conference held by the Chief Secretary on 25.10.2017, A.P. Secretariat, Velagapudi.

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ORDER:

Where as, in the references read above, Government have issued instructions inter alia, that:-

I) that every effort should be made to file the charge sheet in court or serve it on the Government servant, as the case may be, within 3 months of the date of suspension and in cases in which it would not be possible to do so, the matter should be reported to the next higher authority explaining the reasons for the delay;

II) that in cases which do not require consultation with the Vigilance Commission or the APPSC, a final decision on the enquiry report should be taken within a period of 3 months at least, and where it is not possible to adhere to this time limit, a report should be submitted to the next higher authority indicating the additional period within which a case is likely to be disposed of and the reason for the same. In cases requiring consultation with the VC and the APPSC, every effort should be made to ensure that such cases are disposed of as quickly as possible;

2. In the Memo. 2nd read above, instructions were issued to Heads of Departments and District Collectors that the officers convicted in criminal cases should normally be dismissed from service and it is not necessary either to await the outcome of an appeal or the expiry of the appeal time, where an appeal may have been preferred. The said instructions have been reiterated from time to time in the references read above.

3. Further, with regard to ACB cases, following action points emerged out of Secretaries Conference held by the Chief Secretary on 25.10.2017 at 3.30 PM AP Secretariat, Velagapudi, are hereunder: -

(a) It must be ensured that Charge Sheet is filed in the Court of Law within 90 days of registration of the claim.

(b) It was noticed that in many cases the persons have been convicted but dismissal order is not issued. Dismissal order should be issued within a reasonable time preferably within two months from the date of receipt of the conviction order.

(P.T.O.)

(c) The Officers who have been trapped and reinstated should not be posted in focal positions even on FAC basis also.

4. Government, after careful examination of the matter, while reiterating the earlier instructions as read above, hereby direct all the Departments of Secretariat, Heads of Departments and the authorities concerned that:

(a) It must be ensured that Charge Sheet is filed in the Court of Law within 90 Days of registration of the Case.

(b) Dismissal order should be issued against the employees convicted by the Courts within a reasonable time preferably within two months from the date of receipt of the conviction order and it is not necessary either to await the outcome of an appeal or the expiry of the appeal time, where an appeal may have been preferred.

(c) The Accused Officers / Charged Officers who have been suspended in all A.C.B. cases as well as serious allegations, and on reinstatement, they should not be posted in Focal positions even on FAC basis also, till disposal of their cases.

5. All the Departments of Secretariat, Heads of Departments and the Authorities shall follow the above orders scrupulously and strictly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

To
All the Departments of Secretariat.
All the Heads of Departments.
The Director General, A.C.B. Vijayawada.
Copy to:
The P.S. to the Chief Secretary to Government.
The P.S. to the Secretary to Government (Ser.) (FAC).
All the District Collectors.
The Secretary, A.P. Vigilance Commission.
The Secretary, A.P. Public Service Commission.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER